IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2941 OF 2005

Smt.Sultana Jabbar Shaikh ..Petitioner
Vs.
State of Maharashtra & Ors. ..Respondents

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Mr.A.K.Prajapati Advocate for Petitioner
Mr.A.S.Gadkari A.P.P. for State
Mr.V.N.Tripathi for Respondent Nos. 7 to 10

...

CORAM: D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : MARCH 27, 2006

P.C.:

1. Heard the learned advocate for the petitioner, learned A.P.P. for the State and learned advocate for Respondent Nos.7 to 10.

2. The grievance of the petitioner is that Respondent Nos.7 to 10 were running beef-shop without having any municipal licence. Learned A.P.P. states that prayer clauses (a) and (b) have been fulfilled and complied with. Advocate for the Respondents states that the beef-shop was removed by the Corporation. He has also shown the photographs to that effect. This fact is denied

and disputed by the counsel for the Petitioner. The counsel for the Respondents has relied upon the judgment in the case of **All India Institute of Medical Sciences Employees' Union (Regd.) Vs. Union of India and others,** reported in (1996) 11 S.C.C. 582. It shows that when the information relating to cognizable offence is given and police do not take any action, then the complainant can file a complaint before the Magistrate having jurisdiction. In view of this judgment and looking to the issue involved, we do not find any merit in this petition. It is open to the complainant to make complaints to B.M.C. authorities for taking action against the persons doing the business illegally and creating obstacles if any. If the petitioner makes any complaint to Respondent No.5, they may entertain the same if they find any substance theerein.

3. Petition is disposed of with above observations.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]